

Gregg	Lieberman	Sessions
Hagel	Lincoln	Shelby
Harkin	Lott	Smith (NH)
Hatch	Lugar	Smith (OR)
Hollings	McCain	Snowe
Hutchinson	McConnell	Specter
Hutchison	Mikulski	Stabenow
Inhofe	Miller	Stevens
Inouye	Murray	Thomas
Jeffords	Nelson (FL)	Thompson
Johnson	Nelson (NE)	Thurmond
Kennedy	Nickles	Torricelli
Kerry	Reed	Voinovich
Kohl	Reid	Warner
Kyl	Roberts	Wellstone
Landrieu	Rockefeller	Wyden
Leahy	Sarbanes	
Levin	Schumer	

## NOT VOTING—6

Akaka	Gramm	Murkowski
Biden	Helms	Santorum

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

## HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

The PRESIDING OFFICER (Mrs. CANTWELL). The Senator from Nevada.

## MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE NOMINATION OF JUSTICE PRISCILLA OWEN OF TEXAS TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

Mr. HATCH. Madam President, I would like to make some brief remarks about the nomination of Justice Priscilla Owen of Texas who has been scheduled for a vote in the Judiciary Committee as early as this Thursday. I cannot say strongly enough how important this vote is for the future of the Judiciary and this Senate.

With the attempt by some to introduce ideology and base politics into the confirmations process, today a sword of Damocles hangs over the future of nominations and our constitutional role and no vote will hint the future more than this upcoming vote on Justice Owen.

Justice Owen has been attacked with orchestrated deceptions, distortions and demagoguery, yet she has the American Bar Association's unanimous rating of well qualified."

In preparing for Justice Owen's vote, I again commend to my colleagues the words of Senator BIDEN when he said some years ago that:

[Judicial confirmation] is not about pro-life or pro-choice, conservative or liberal, it is not about Democrat or Republican. It is about intellectual and professional competence to serve as a member of the third co-equal branch of the Government.

Allow me to make just some brief remarks on the allegations made against Justice Owen which she clarified both in the hearing and in answers to written questions since then.

First, and most outrageously, it was said that she delayed in issuing an opinion in a car accident case involving a boy who subsequently died and that he died while waiting for her decision. And that she raised an issue, court venue, not previously raised by the lawyers.

The truth is that Justice Owen wrote an opinion for the majority in that case just 5 days after the majority reached a decision. The boy died 3 years later. And venue is automatically at issue when the petition is for a new trial and it was both briefed and argued by the lawyers, as was the case. That's the truth.

There is no use in holding hearings and asking written questions if we ignore the answers.

Second, she has been accused of being a "judicial activist" who pursues an outcome-based result.

The truth is that she is a judicious judge who never digresses from the rules of precedent and legal construction. She always grounds her decision in binding authority or judicial rules of decision. The charge that she is a judicial activist is a cynical trick of words from Washington lobbyists who have made their careers defending court decisions of real judicial activists who never let the words of the Constitution stand between them and their social engineering.

Another falsehood is that she is anti-abortion and is out to defeat abortion rights.

The truth is that Owen has never stated her personal views and has ruled in one case for Planned Parenthood and against Operation Rescue pro-life protestors. In the parental involvement cases, Owen repeatedly applied *Roe v. Wade* and the Supreme Court cases and used them to interpret the legislature's choice of words in the statute.

It is said that in her parental notice cases, Owen sought to limit abortion rights.

The truth is that no abortion right is affected by giving mere notice to parents. And over 600 bypasses of notice have been granted by the courts under the standards Owen and her court established. The Texas Supreme Court merely debated the guidelines for lower courts to apply on a brand new law. The Court sought to effect the legislature's intent: to protect parental involvement rights, the right of parents to guide their children and protect them from harm was at stake, not abortion.

Justice Owen has been called an ideologue who is out of the mainstream.

The truth is that Owen was twice elected in Texas, the last time with 83 percent of the vote. She is a quiet, modest person, who leads her Church choir, and had to be convinced to leave a lucrative law practice to become a judge. She was unanimously rated well-qualified, the highest rating of the ABA, despite the ABA's pro-abortion stance.

It was noted that Justice Owen dissents too often and rules in favor of corporations and big money.

The truth is that she has dissented fewer than 10 percent of the time, that's half the average for any current U.S. Supreme Court justice. She is an umpire who calls the balls and the strikes as they are. It is silly to suggest that she is pro-bat or pro-ball, pro-batter or pro-pitcher.

Let's speak truth to power.

The main reason Justice Owen is being opposed, is not that personal views are being falsely ascribed to her, they are, but rather because she is a woman in public life who is believed to have personal views that some maintain are unacceptable for a woman in public life to have.

Such penalization is a matter of the greatest concern to me because it represents a new glass ceiling for women jurists just as they approach the tables of our high courts after long-struggling careers. Such treatment will have a chilling effect on women jurists that will keep them from weighing in on exactly the sorts of cases that most invite their participation and their perspectives as women.

On abortion, the truth is that, rather than being an activist foe of *Roe*, Justice Owen repeatedly cites and follows *Roe* and its progeny as authority.

Moreover, her opponents portray her as a pro-life activist, when all she has ever done is rule on a parental involvement law, popular with over 80 percent of the American people. The bottom line is that they are blinded to anyone who will not abide by abortion on demand even for little girls, without parents ever knowing.

I hope my colleagues will treat Justice Owen fairly when the vote comes. As they say back home in Utah, I hope they will choose the right.

But I warn them, the American people will hear of the result, and I warn them also, a sword of Damocles will hang over the Senate and the future of the Judiciary Committee when that vote comes.

## THE HONORABLE JESSE BROWN

Mr. CONRAD. Mr. President, I was deeply saddened to learn of the untimely death of Jesse Brown on August 15, 2002. I was aware of Jesse's struggle with Lou Gehrig's disease, and know that friends, veterans and government officials across the Nation had Jesse and his family in their thoughts and prayers.

Jesse was an individual for whom I had the highest regard. He was truly a

distinguished American who not only made considerable sacrifices for his country as a Marine in Vietnam, but continued to serve our country, especially the veterans of our Nation through his service as Executive Director of the Disabled American Veterans and later as Secretary of Veterans Affairs for 5 years in the cabinet of President Clinton.

It was during his tenure as VA Secretary that I worked more closely with Jesse and had the opportunity to learn of his commitment to our nation's veterans particularly to improve the medical care services to veterans. During a visit to the community of Grafton, ND for the dedication of an outpatient clinic, I had the opportunity to see first hand Jesse's concern and compassion for our veterans and their families. I was particularly impressed with his commitment to make certain that our veterans living in the rural and more remote areas of our country had the resources and access to the best VA medical care possible.

Jesse Brown represents the very best of America, he was a U.S. Marine with a distinguished service record in Vietnam, a disabled veteran, a devoted family member, a distinguished public servant, and an individual that represented the very best qualities and character in America. He is a role model for the coming generations and for us all. I hope our younger Americans will have an opportunity to know Jesse over time, to learn of his sacrifices and accomplishments on behalf of all Americans. Jesse deserves our highest respect and admiration.

My prayers and thoughts are with the Brown family members at this time.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred Aug. 3, 1997 in Fort Worth, TX. Two gay men were physically assaulted after leaving a gay bar. The assailants, two men, were heard to yell anti-gay epithets during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### TRIBUTE TO ANGELA MARSHALL- HOFMANN

Mr. BAUCUS. Madam President, I rise today to thank Angela Marshall-Hofmann, who has worked on my staff for more than a decade.

I first met Angela in 1990. She was a reporter for the school newspaper at Eastern Montana College during her freshman year. Angela met me at the Billings airport to do an interview, and after the interview was over, she indicated she would like to be an intern in my Billings office.

I told her to come in—and she did such a great job that when a part-time position opened up, we hired her. She continued to work in the Billings office until she graduated from college.

During her time in the Billings office, Angela began to develop an interest in trade issues. She worked on setting up a state visit by several Ambassadors, and helped draft an export manual for Montana's small businesses.

During her senior year of college, she was encouraged to apply for the Rotary Club's International Scholarship. There is always a talented pool of students in Montana that applies for that prestigious scholarship—and Angela won it. She used it to study in France for a year, and continued to focus on international trade.

When she came back from France she went to law school in Missoula and began work in our Missoula office. During her time there she got involved with the Mansfield Center and helped to plan their international conferences, including one in China.

In 1997, Angela finally came east to work in our Washington, DC office, with a portfolio that included both agriculture and trade issues. During that time, she organized and traveled on trade missions to Asia and to South America.

Angela has always been one of the best multitaskers I know. When she worked in the Missoula office, she was going to law school and teaching dance classes—and doing great at all three.

These days, I think she has taken multitasking to a new level. With twin babies Marshall and Stephen at home and all of her responsibilities at work, she still manages to thrive.

And not only does Angela thrive, she does so with a positive attitude that makes her one of the most pleasant people to work with. I doubt there is anyone who has a bad thing to say about her. And after all her years on Capitol Hill—that is really saying something.

I was perhaps most proud of Angela, however, when she was asked this year to be the commencement speaker at Montana State University in Billings—formerly Eastern. She spoke as one of MSU's most distinguished alumni. I believe she inspired the graduating students to achieve and accomplish many great things—as Angela has.

Angela has truly done it all—from intern, part-time staffer, and receptionist, to legislative assistant, and

now international trade counsel to the Senate Finance Committee. She has worked on issues that are vital to Montana, including softwood lumber agriculture. She has helped pass historic legislation, including Permanent Normal Trade Relations for China and this year's Trade Act.

Angela—thank you for your years of hard work, for your dedication to the State of Montana, and for the service to your country. You will truly be missed.

Mr. President, I yield the floor.

#### ADDITIONAL STATEMENTS

#### IN RECOGNITION OF THE CENTEN- NIAL OF BIG BASIN REDWOODS STATE PARK

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the creation of California's oldest State park, Big Basin Redwoods State Park, located 25 miles northwest of Santa Cruz. Big Basin holds the distinction of being home to the largest continuous stand of Ancient Coast Redwoods south of San Francisco.

Big Basin Redwoods State Park was the first of California's 269 State parks to be set aside by the State legislature in September, 1902. Its creation was the result of a turn of the century community organizing campaign. San Jose photographer Andrew P. Hill gathered a group of writers, educators and women's club members for an exploratory expedition to the Santa Cruz Mountains, the area we know today as Big Basin. They formed the Sempervirens Club and began lobbying for preservation of the area as a public park. Their intention was to save these trees for posterity.

Today we celebrate the foresight and dedication of Andrew P. Hill and his friends. Big Basin Redwoods State Park is seen as the birthplace of the movement to save California's coastal redwoods and the birthplace of the entire State park system.

This system contains magnificent diversity and beauty ranging from the majestic forests of Northern California to the sun-baked deserts of Southern California and from the vibrant blue surf of the Pacific shoreline to the glorious peaks of the Sierra Nevada Mountain Range. It includes cultural and historical sites of national importance, wildlife habitats and natural preserves that are critical to the ecological health of thousands of plants and animals and a vast array of recreational opportunities for all citizens.

Big Basin Redwoods State Park incorporates 18,000 acres of old growth and recovering redwood forest, mixed with conifer, oaks, chaparral and riparian habitats. The park encompasses 80 miles of trails that include numerous waterfalls, lush canyons and chaparral-covered slopes. Other features of the park are family and group camping facilities, tent cabins, backpacking